



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,508	12/26/2000	Robert H. Willis	BS99-184	9790

7590 04/14/2006

WITHERS & KEYS LLC
P.O. BOX 71355
MARIETTA, GA 30007-1355

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/746,508	Applicant(s) WILLIS ET AL.	
	Examiner James A. Kramer	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/10/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,7,10,11 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,7,10,11 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgments

In light of the fact that Examiner did not address Applicant's traversal of Official Notice this Office Action is being made non-final, in order to afford Applicant an opportunity to adequately address Examiner comments with regards to this matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5, 7, 10, 11, and 19-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Pruett et al.

Pruett et al. teaches a combination system for provisioning and maintaining telephonic network facilities in a public switched telephone network. Pruett et al. specifically teaches a Caseworker obtaining a description of a customer trouble (column 40; lines 47-49). With this information the Caseworker builds a trouble report profile which is forwarded to Dispatch (column 42; lines 51-53) where a technician is sent. Examiner notes that this relates to applicant's receiving reports or malfunctions and dispatching technicians in response to the reports.

Pruett et al. further teaches that the field technician determines any related trouble reports stored in Dispatch. The field technician closes out the Trouble Report by entering the trouble found, work done and cause descriptions (column 43; lines 41-45). Examiner notes that this

Art Unit: 3627

represents receiving, via a communications network, information sent by the technician upon diagnosing a malfunction at a first subscriber location, wherein the information is provided in an electronic format, and identifies a cause of the malfunction underlying one of the reports of malfunction sent from the vicinity of the first subscriber location.

Pruett et al. further teaches that the reactive maintenance system is able to collate and group related reactive and proactive troubles, as well as determine whether technicians are currently working on a recently reported reactive trouble (e.g. column 53; lines 12-15). This has the additional benefit of allowing caseworkers to determine that a trouble from a customer is already being worked (e.g. column 40; lines 62-67). Examiner notes that this relates to determining, by the dispatch division (Caseworker) and based upon information sent by the technician upon diagnosing the malfunction at the first subscriber location, that a cause underlying another report, received from a location different from the first subscriber location is the same cause as the first location.

Pruett et al. also teaches information recorded by the caseworker or the field technician is automatically sent to other systems as needed. For example time and materials charges are sent to a billing function (col. 43, lines 55-57).

Pruett et al. is silent as to who receives the billing from the Billing Function.

The common knowledge or well-known in the art statement made by the Examiner in the Office Action mailed 5/12/05 is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of Official Notice or the traverse was inadequate (MPEP2144.03(C)).

Examiner relies on the Admitted Prior art that it is old and well known for a responsible party to be billed for all costs incurred, even indirectly. As way of example, Examiner offers that in a car accident, the responsible party is billed not only for the car they hit, but also for any other damages that are incurred as a result of the accident (i.e. other cars hit, injuries etc).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the billing function of Pruett to bill the responsible party for all costs incurred as a result of their negligence including any service calls made in response to that damage. One of ordinary skill would have been motivated to modify the reference in order to recover all costs caused by the responsible party.

Response to Arguments

Applicant asserts that it is a leap of logic that Pruett discloses the billing department aggregating the costs of the related technician calls occurring prior to forestalling sending additional technicians by tracking line numbers to a common trunk line then billing a third party responsible for the damage. Examiner respectfully disagrees.

The system of Pruett teaches collecting billing data associated with technicians in the field. The system of Pruett further teaches collecting data associated with a responsible party responsible for damage causing various trouble calls. Examiner maintains the position that combining these two pieces of information, already present in Pruett is not only logical, but one of ordinary skill in the art at the time of the present invention would have clearly known to do this based on his/her own knowledge.

Art Unit: 3627

As far as Examiner's Official Notice, Examiner does not appear to challenge the statement that it is old and well known to bill a responsible party for damage they have caused, but rather it appears to be Applicant's assertion that even in combination with this statement, Pruett fails to teach Applicant's invention. Examiner respectfully disagrees.

As pointed out above, the system of Pruett collects both technician billing data and data determining a responsible party for a malfunction. As it is old and well known to bill as responsible party, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the two pieces of data already collected within the system of Pruett to arrive at Applicant's claimed invention.

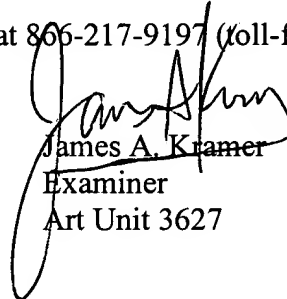
Applicant asserts that Examiner insurance example amount to non-analogous art. Examiner respectfully disagrees and reminds Applicant that one of the criteria for analogous art is the problem being solved. The insurance example provided by the Examiner solves the same problem as the present invention (e.g. billing a responsible party) See MPEP 2141.01(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James A. Kramer
Examiner
Art Unit 3627

4/12/06

jak
4/12/06